

IAP7 Rec'd PCT/PTO 23 JAN 2006

PATENT  
Attorney Docket No.: 46884-5382

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Akimitsu KAKUI, et al. )  
U.S. Application No.: 10/533,116 ) Group Art Unit: Unassigned  
Filed: April 29, 2005 ) Examiner: Unassigned  
For: DISEASE DETERMINATION METHOD, DATA GENERATION METHOD FOR DISEASE  
DETERMINATION AND DATA GENERATION SYSTEM FOR DISEASE  
DETERMINATION

Commissioner of Patents  
MAIL STOP PCT

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed November 23, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☒ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- ☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

- ☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

			Basic National Stage Fee:	
			\$300.00	Previously Paid
	Number Filed	Number Extra	at a Rate of	
Total Claims	32-20 =	12	\$50.00 each=	Previously Paid
Independent Claims	3- 3 =	0	\$200.00 each=	
Multiple dependent claim(s), if any			\$360.00	
Missing Requirements Surcharge Fee			\$130.00	130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				
Application Search Fee			\$500.00	Previously Paid
Examination Fee			\$200.00	Previously Paid
			<b>SUB-TOTAL =</b>	<b>130.00</b>
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	
			<b>TOTAL FILING FEE =</b>	<b>130.00</b>

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$450.00	\$225.00
<input type="checkbox"/>	Three months	\$1,020.00	\$510.00
<input type="checkbox"/>	Four months	\$1,590.00	\$795.00
<input type="checkbox"/>	Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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01 FEB 2006 7. Fee Payment 130.00 37

The total fee due is:

Completion Fees	\$130.00
Assignment Fees	\$ 40.00
Total Fee Due	\$170.00

- ☒ A check in the amount of 170.00 to cover the above fees is enclosed
- ☐ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0573.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0573.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)
- ☐ Preliminary Amendment
- ☐ PCT/IB/338 English translation of the International preliminary Examination Report
- ☐ PCT/ISA/210 (International Search Report dated       )
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449,        non-US patent documents as listed
- ☒ Assignment Recordation Cover Sheet (PTO Form-1595)
- ☒ Assignment of the invention to HAMAMATSU PHOTONICS K.K.

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

  
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Peter J. Sistare, Reg. No. 48,183

Date: January 23, 2006  
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Stephanie



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

TALIDA

U.S. APPLICATION NUMBER NO. 10/533,116	FIRST NAMED APPLICANT Kakitsu KAKUI	ATTY. DOCKET NO. 046124-5382
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MORGAN LEWIS & BOCKIUS LLP 11/29/05 Attorney JGS  
 1111 PENNSYLVANIA AVENUE NW 46124-5382  
 WASHINGTON, DC 20004

Due Date January 23, 2006  
 Action Response to Missing Req.  
 By BSM

INTERNATIONAL APPLICATION NO.

PCT/JP03/13935

I.A. FILING DATE

10/30/2003

PRIORITY DATE

11/01/2002

CONFIRMATION NO. 4856

371 FORMALITIES LETTER



\*OC000000017499603\*

Date Mailed: 11/23/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/29/2005
- English Translation of the IA filed on 04/29/2005
- Copy of the International Search Report filed on 04/29/2005
- Preliminary Amendments filed on 04/29/2005
- Information Disclosure Statements filed on 04/29/2005
- U.S. Basic National Fees filed on 04/29/2005
- Priority Documents filed on 04/29/2005

The applicant needs to satisfy supplemental fees items indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

RECEIVED

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MORGAN, LEWIS &amp; BOCKIUS LLP

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ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 12 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,116	PCT/JP03/13935	046124-5382

FORM PCT/DO/EO/905 (371 Formalities Notice)

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